

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO

In Re: Rafael A. Castro Beretta

Case No. 12-05806-MCF

Maria M. Dones Sandoval

Chapter 13

Debtors

\_\_\_\_\_ /

**MOTION TO CANCEL LIEN**

TO THE HONORABLE COURT:

Comes Debtors through the undersigned attorney and respectfully alleges and prays as follows:

1. On 7-23-2012 Debtors filed the above captioned petition for bankruptcy relief under chapter 13 which was confirmed on 9-21-2012.

2. As of the time of the filling for relief, Debtors are registered owners with legal title over real property listed in schedule A described as Debtor's residential property located at Calle Laredo A-6, Urb El Alamo, Guaynabo, P.R. (dkt #1).

3. As of the time of the filling for relief, Debtors residence was encumbered with a first ranking mortgage lien in favor of EMI Equity Mortgage. Moreover, The Asociacion de Residentes El Alamo, Inc., has a lien encumbering Debtors residence with a second rank lien which is tied to home owners association dues owed by Debtors. **(exhibit 1)**

4. That such secured claim was paid in full by Trustee as per confirmed plan and proof of claim filed and order entered. **(See exhibit 2).**

5. Debtors hereby move the court for the cancellation of the registered lien in favor of Asociacion de Residentes El Alamo Inc. over Debtors residence. Per section

1327 of the Bankruptcy Code all property of the estate is vested upon debtors free and clear of any claim or interest of any creditor provided for by the plan. Section 105 of the Bankruptcy Code further allows this Honorable Court to enter any orders necessary to carry out the provisions of said Code.

**WHEREFORE**, Debtors respectfully pray this Honorable Court GRANT this motion and, accordingly, enter order for the cancellation of liens registered within the Registry of Property of Guaynabo in favor of Asociacion de Residentes El Alamo, Inc. encumbering Debtors residence with any other remedies this Court deems appropriate.

#### **NOTICE TO CREDITORS AND PARTIES IN INTEREST**

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, or any other time specified by the Court, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the US Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted without an actual hearing unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise. If a written response or opposition to the Agreement is timely filed, the Court will then schedule a hearing as a contested matter.

I certify a copy of this motion was filed using the CM/ECF system which will notify the chapter 13 Trustee, Jose R. Carrion. I also certify copy of this motion was sent by US Postal Service, by **certified** first class mail, to Asociacion de Residentes EL Alamo Inc., Urb El Alamo, Calle Monterey, C-25, Guaynabo, PR. 00969

In San Juan, Puerto Rico, this February 2, 2017

HECTOR VELAZQUEZ HERNANDEZ  
Attorney for debtor  
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By: /S/ Hector Velazquez Hernandez, Esq. 208313

**ESTADO LIBRE ASOCIADO DE PUERTO RICO  
DEPARTAMENTO DE JUSTICIA  
REGISTRO DE LA PROPIEDAD  
SECCION DE GUAYNABO**



**CERTIFICACION REGISTRAL**

**NUM. 364**

**RELATIVA A**

**DE LA FINCA 14458**

**FOLIO 141**

**TOMO 1276**

**EXPEDIDA EL 17 DE JUNIO DE**

**2011**

**A INSTANCIAS DE RAFAEL CASTRO BERETTA**

A handwritten signature in black ink, appearing to be 'Rafael Castro Beretta', is written over a rectangular stamp area.

**REGISTRO DE LA PROPIEDAD  
SECCIÓN DE GUAYNABO  
CERTIFICACION  
No. 364**

**FINCA DE GUAYNABO Nº: 14458**

**DATOS DE LA FINCA:** Inscrita al folio 141 del tomo 1276 de Guaynabo.

URBANA: Solar marcado con el número 6 del Bloque A del plano de inscripción de la Urbanización EL ALAMO, situada en el Barrio Frailes del término municipal de Guaynabo, Puerto Rico, con una cabida superficial de cuatrocientos veintidós metros cuadrados con cincuenta y dos centímetros cuadrados y colinda por el Norte, en veintisiete metros con sesenta y tres centímetros, con el solar número A - cinco; por el Sur, en veintisiete metros con sesenta y tres centímetros, con el solar A-siete; por el Este, en quince metros con los solares número B-seis y B-siete; y por el Oeste, en quince metros con cincuenta y ocho centímetros, con la calle número uno. Es segregación de la finca número doce mil setecientos noventa y cuatro; al folio doce del tomo ciento ochenta y siete de Guaynabo. En dicho solar enclava una casa residencial para una sola familia.

**TITULARIDAD VIGENTE**

RAFAEL ANTONIO CASTRO BERETTA, mayor de edad, con domicilio en Guaynabo, casado con MARIA MERCEDES DONES SANDOVAL, casados en régimen de gananciales, son titulares del pleno dominio de la totalidad de esta finca, según la inscripción 8ª, de fecha 31 de Marzo de 1997, al folio 141 del Tomo 1276 del término municipal de Guaynabo, por Compraventa de fecha 27 de Febrero de 1997.

**CARGAS**

Afecta por su procedencia a servidumbres a favor de las Centrales San José y Vanina, a condiciones restrictivas, a servidumbre a favor de la Autoridad de Acueductos y Alcantarillados de Puerto Rico; de Autoridad de Comunicaciones, de Autoridad de Fuentes Fluviales de Puerto Rico y del Municipio de Guaynabo.

**- HIPOTECA:**

Según la Inscripción 9ª, de fecha 5 de Mayo de 2004, al folio 141 del Tomo 1276, del término municipal de Guaynabo y en virtud de la escritura de Hipoteca otorgada en San Juan, ante el

CERTIFICACION NUM. 364

PAGINA 2 DE 2

notario David Cardona Dingui, con número de escritura 126, el 20 de Abril de 2004, la totalidad de esta finca, gravada con una hipoteca, a favor de E.M.I. Equity Mortgage, Inc., por la suma de \$150,000.00 de principal, devengando intereses al 7 1/2 por ciento anual, con fecha de vencimiento del primero de Mayo de 2034.

**OBSERVACIONES:** Se tasa la finca en caso de subasta en una cantidad equivalente al principal original del pagaré. Se garantizan tres sumas equivalentes al diez por ciento de la cuantía original del principal del pagaré para cubrir costas y gastos y honorarios de abogado en caso de reclamación judicial; para cubrir intereses en adición a los garantizados por la ley y para cubrir cualquier otro anticipo que pueda hacerse bajo esta hipoteca.

**- ANOTACIÓN EMBARGO EN EJECUCIÓN DE SENTENCIA.**

Según la anotación letra B de fecha 22 de Septiembre de 2009 al folio 141 del Tomo 1276 del término municipal de Guaynabo, y en virtud de mandamiento de Embargo al Registrador expedido el 13 de noviembre 2007; en el Tribunal de Primera Instancia, Sala Municipal de Guaynabo, Caso Civil # CM2006-223, sobre Cobro de Dinero, se expidió una Orden en aseguramiento de sentencia el 13 de noviembre de 2007 por la Honorable Juez, Linette Rivera Rodríguez, debidamente certificada por la secretaria del Tribunal, autorizando el **EMBARGO** de esta finca a favor de **ASOCIACION DE RESIDENTES EL ALAMO, INC.**, por la cantidad de: **\$1,336.00**, a partir del 17 de septiembre de 2007.

Y no apareciendo de los Registros de Embargo, gravámenes por contribución a favor del Estado Libre Asociado de Puerto Rico, Estados Unidos de América, Sentencias o documento alguno pendiente de inscripción; expido la presente en Guaynabo, Puerto Rico, siendo las 8:00 de la mañana del día 17 de junio de 2011.

Derechos: \$ 6.00  
Comprobante: 008C-EEDBA4F5

Lda. Laura Santiago Loperena  
Registradora de la Propiedad

**PRINT INQUIRY**

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<b>12-05806-MCF</b>	<b>RAFAEL A CASTRO BERETTA</b> (xxx-xx-9625)	<b>PO BOX 2756 • • GUAYNABO</b> <b>• PR • 00970</b>	<b>\$150.00 MO</b>	<b>Bar Date(s):</b> 11/22/2012 (has passed) 1/19/2013 (has passed)
	<b>MARIA M DONES SANDOVAL</b> (xxx-xx-9696)			<b>Confirmed:</b> 9/21/2012
	<b>Trustee: José R. Carrión</b>	<b>Attorney: HECTOR VELAZQUEZ HERNANDEZ*</b>		<b>Case Status:</b> GESTION DE COBRO

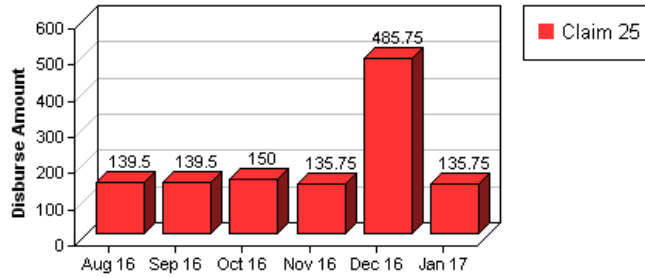
**Payee Summary**

Number of Claims	21
Total Amount Claimed	\$24,327.17
Total Amount Scheduled	\$199,009.76
Total Principal Paid	\$6,201.31
Total Principal Owed	\$18,125.86
Total Principal Due	\$0.00
Total Interest Paid	\$0.00
Total Interest Due	\$0.00

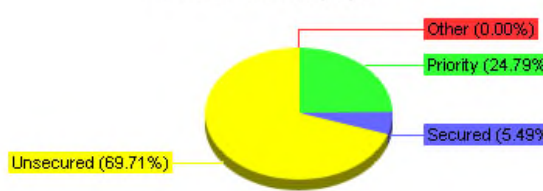
**Claim Breakdown**

	Priority	Secured	Unsecured	Other
Claimed	\$6,031.76	\$1,336.00	\$16,959.41	
Scheduled	\$6,623.00	\$177,157.00	\$15,229.76	
Principal Paid	\$4,865.31	\$1,336.00	\$0.00	
Principal Owed	\$1,166.45	\$0.00	\$16,959.41	
Principal Due	\$0.00	\$0.00	\$0.00	
Interest Paid	\$0.00	\$0.00	\$0.00	
Interest Due	\$0.00	\$0.00	\$0.00	
Monthly Payment	\$0.00	\$0.00	\$0.00	
Collateral	\$0.00	\$0.00	\$0.00	

Payee Disbursements Last 6 Months



Amount Claimed by Type



**Claims Listing**

Name (Acct)	Ins	Cjm#	Filed	Desc	Type	Level	Mo Pymt	Prin Paid	Prin Owed	Cjm Amt	Schd Amt	% Paid	Rsv	Int Rate	Int Paid	Int Due	Cont Flag	No Cost	No Chk	Rsv Flag	Spc Flag	Stop Disb	Prin Due
CICA COLLECTION AGENCY INC (0173)		1		NOTICE ONLY	N	0	\$0.00	\$0.00	\$0.00	\$0.00	\$1,221.00				\$0.00	\$0.00							\$0.00
CITIFINANCIAL (xxxxxxxx1513)		2		NOTICE ONLY	N	0	\$0.00	\$0.00	\$0.00	\$0.00	\$2,005.00				\$0.00	\$0.00							\$0.00
CREDIT PROTECTION ASSOC (xxxxxxxx3060)		3		NOTICE ONLY	N	0	\$0.00	\$0.00	\$0.00	\$0.00	\$556.00				\$0.00	\$0.00							\$0.00
DORAL BANK (4651)		7		PAID DIRECT	D	0	\$0.00	\$0.00	\$0.00	\$134,531.50	\$165,157.00				\$0.00	\$0.00			O				\$0.00
OAK PLANTATION CONDOMINIUM (xxxxxxxx2298)		12		NOTICE ONLY	N	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00				\$0.00	\$0.00			O				\$0.00
OPERATING PARTNERS, CO. INC. (xxxxxxxx0671)		15		NOTICE ONLY	N	0	\$0.00	\$0.00	\$0.00	\$0.00	\$5,093.00				\$0.00	\$0.00							\$0.00
PUERTO RICO TELEPHONE COMPANY (xxxxxxxx8119)		17		NOTICE ONLY	N	0	\$0.00	\$0.00	\$0.00	\$0.00	\$221.00				\$0.00	\$0.00							\$0.00
DORAL BANK (4651)		24		STAY LIFTED MORTGAGE		0	\$0.00	\$843.54	\$193.21	\$3,866.88	\$500.00	21.81%			\$0.00	\$0.00			O				\$0.00
OAK PLANTATION CONDOMINIUM (xxxxxxxx2298)		26		SURRENDER PROPERTY/COLLATERAL	R	0	\$0.00	\$0.00	\$0.00	\$0.00	\$10,000.00				\$0.00	\$0.00			O				\$0.00
VERIZON WIRELESS (xxxxxxxx9776)		27		NOTICE ONLY	N	0	\$0.00	\$0.00	\$0.00	\$0.00	\$302.00				\$0.00	\$0.00							\$0.00
CRIM (xxxxxxxx-001)		29		PAID DIRECT	D	0	\$0.00	\$186.45	\$0.00	\$186.45	\$0.00	100.00%			\$0.00	\$0.00			O				\$0.00
DEPARTMENT OF TREASURY (9625)		31		DISALLOWED/WITHDRAWN UNSECURED	V	0	\$0.00	\$0.00	\$0.00	\$3,031.76	\$3,031.76				\$0.00	\$0.00			R				\$0.00
DEPARTMENT OF TREASURY (9625)		32		DISALLOWED/WITHDRAWN UNSECURED	V	0	\$0.00	\$0.00	\$0.00	\$3,853.24	\$0.00				\$0.00	\$0.00			R				\$0.00
DORAL BANK (4651)		35		STAY LIFTED MORTGAGE		0	\$0.00	\$0.00	\$5,622.05	\$5,622.05	\$0.00				\$0.00	\$0.00			O				\$0.00
CLERK, U.S.BANKRUPTCY COURT		19		SECURED	S	20	\$0.00	\$1,336.00	\$0.00	\$1,336.00	\$1,500.00	100.00%			\$0.00	\$0.00							\$0.00
DEPARTMENT OF TREASURY (xxxxxxxx9696)		25		PRIORITY	P	28	\$0.00	\$1,865.31	\$1,166.45	\$3,031.76	\$3,623.00	61.53%			\$0.00	\$0.00							\$0.00
DEPARTMENT OF TREASURY (xxxxxxxx9696)		4		UNSECURED	U	33	\$0.00	\$0.00	\$3,853.27	\$3,853.27	\$2,800.00				\$0.00	\$0.00							\$0.00
MIDLAND FUNDING LLC (0948)		16	✓	UNSECURED	U	33	\$0.00	\$0.00	\$8,718.83	\$8,718.83	\$0.00				\$0.00	\$0.00							\$0.00
MIDLAND FUNDING LLC (0088)		23	✓	UNSECURED	U	33	\$0.00	\$0.00	\$445.31	\$445.31	\$0.00				\$0.00	\$0.00							\$0.00
EL ALAMO Y PARKVILLE TERRACE		30		UNSECURED	U	33	\$0.00	\$0.00	\$3,942.00	\$3,942.00	\$0.00				\$0.00	\$0.00							\$0.00

**Attorney Listing**

Name	Description	Level	Fee in Plan	Fee Paid Outside	Fee Paid to Date	Initial Amount	Monthly Payment	Fee Remaining
HECTOR VELAZQUEZ HERNANDEZ*	ATTORNEY FEE	4	\$3,000.00	\$0.00	\$3,000.00	\$0.00	\$0.00	\$0.00

**Clerk Fees Listing**

No Clerk Names have been established for to this case.

**Debtor Refund**

Name	Description	Level	Refund Amount	Amount Paid	Amount Owed
RAFAEL A CASTRO BERETTA	DEBTOR REFUND	0	\$0.00	\$0.00	\$0.00

**Claim Payout**

Creditor Type	Cost	No Cost	SubTotal	Trustee	Total
Notice / Filing Fees					
Secured					
Secured Arrears					
Unsecured	\$16,959.41		\$16,959.41	\$1,780.27	\$18,739.68
Priority	\$1,166.45		\$1,166.45	\$122.45	\$1,288.90
Attorney					
Attorney (Type 5)					
Continuing Debt Arrears					
Totals	\$18,125.86		\$18,125.86	\$1,902.72	\$20,028.58
Balance on Hand			\$135.75	\$14.25	\$150.00
Totals Less Balance on Hand					\$19,878.58
Continuing Payments					
Regular Payments					
Interest					

Balance on Hand	\$135.75
Total Paid In	\$7,950.00
Total Disbursed	\$7,814.25
Debtor Refunds	\$0.00
Base Amount	\$9,000.00
Base Balance	\$1,050.00
Months to Base	7.00
Months Since Confirmation	53
Months Since Petition Filed	55
Months Since First Payment Due	54
Months Remaining	0
Proposed Length of Plan	60
Monthly Payment Amount	\$150.00
Percent to Unsecured	0.000%
Unsecured Pool	\$0.00
Lesser of Base Balance and Claim Balance	
\$1,050.00	

**The balance disclosed on this page is not the payoff figure and does not represent the funds needed to pay the case in full. An audit must be completed by the Trustee's office to ascertain the actual payoff amount.**



IN THE UNITED STATES BANKRUPTCY COURT FOR  
THE DISTRICT OF PUERTO RICO

IN RE:

RAFAEL A CASTRO BERETTA  
MARIA M DONES SANDOVAL

XXX-XX-9625  
XXX-XX-9696

Debtor(s)

CASE NO. 12-05806 MCF  
Chapter 13

FILED & ENTERED ON

12/14/2016

ORDER

The application for payment of unclaimed funds filed by Asociación de Residentes Urb. El Alamo y Parkville Terrace (docket entry #113) is hereby granted. The Clerk shall disburse the amount of \$1,298.75 to Asociación de Residentes Urb. El Alamo y Parkville Terrace.

IT IS SO ORDERED.

San Juan, Puerto Rico, this 13<sup>th</sup> day of December, 2016.

*Mildred Caban*

Mildred Caban Flores  
U. S. Bankruptcy Judge

c: DEBTOR(S)  
HECTOR VELAZQUEZ HERNANDEZ  
JOSE RAMON CARRION MORALES  
FINANCE DEPT.

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SANTANDER FINANCIAL - ISLAND  
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